

FEDERAL DEFENDER OFFICE
DISTRICT OF MASSACHUSETTS
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May 30, 2006

Antoinette Leoney, Esq.
Assistant United States Attorney
United States Attorney's Office
John Joseph Moakley U.S. Courthouse
1 Courthouse Way
Boston, MA 02210

Re: United States v. Willie Dancy; Criminal No. 04-10387-RGS

Dear Ms. Leoney:

Pursuant to Local Rule 116.3(A), I am requesting the following discovery.

1. Statements of Defendant

You produced certain reports containing statements allegedly made by my client to law enforcement, I request any and all written notes regarding those statements. This discovery clearly is required by Fed. R. Crim. P. 16(a)(1)(B)(ii), which provides for discovery of "any written record containing the substance of any relevant oral statement..."

2. Documents and Objects

The following items are material to preparing Mr. Dancy's defense and we ask that you produce them.

- A) Because the Massachusetts State Police were involved in the arrest in this matter (Trooper Walls), the defendant requests any Massachusetts State Police reports generated in this matter as well as any "Turret" tapes that the State Police may have in their possession related to the response and arrest on December 8, 2004. A previous request was made by Attorney Rhones for "Turret" tapes produced by or in the possession of the Brockton Police for the night of the arrest; this is not a request for the same material. Any State Police radio dispatch tapes would exist independently of any Brockton Police radio dispatch information.

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- B) Since the government was not able to respond to Attorney Hrones' request regarding Brockton Police "Turret" tapes for December 8, 2004 due to some technical recording malfunction, defendant now requests the "Incident History" report or computerized print out for the Brockton Police radio contacts that occurred that evening regarding this incident (an example to be provided upon request). In addition, the defendant requests any written Brockton Police logs related to the response and arrest on December 8, 2004 (i.e. CAD/radio dispatch reports, evidence collection reports/photos).
- C) Any recordings of "911" emergency calls made to the Brockton Police related to reports of persons hearing gunfire in the Perkins Avenue and Main Street area on December 8, 2004 (i.e., from area businesses such as Walgreen's, Boomer's Bar or from residents of that area).
- D) Co-defendant Kevin Jones was charged with certain offenses related to this case and tried on the state level. Defendant requested from the government, and has received, a copy of the transcript of the suppression hearing in Mr. Jones' case. Defendant has reason to believe that Kevin Jones subsequently had a trial in that matter and would request a full transcript of those proceedings.

3. Reports of Examinations and Tests

In a previous discovery letter response to Attorney Hrones for Mr. Willie Dancy, the government represented that the .22 caliber handgun recovered at the scene of the arrest on December 8, 2004 was never tested for fingerprints; the defendant would request access to that piece of evidence in order to conduct an independent fingerprint analysis. The defendant would also request any notes or reports related to the examination of the 9mm firearm for latent fingerprints.

Regarding the need for taking further evidence in the suppression hearing that has been partially heard by Judge Stearns, my intention would be to seek a date in which to call certain witnesses, i.e. Trooper Frank Walls, to supplement the record. I would ask for the hearing date to be set once you have had an opportunity to respond to these requests. Further, I am still not in receipt of a copy of the transcript of the suppression hearing in this matter and have contacted Mr. Gibbons to see how much time will be required to produce it.

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Please call me if you have any questions about these requests or wish to discuss them.

Sincerely,

/s/Oscar Cruz, Jr.
Oscar Cruz, Jr.

cc. Mary Johnson, Courtroom Clerk to Judge Stearns
Mr. Willie Dancy